

### 35. HOUSING CODE. DWELLINGS AND APARTMENTS

35.01. Maintenance. No person shall occupy, or let to another for occupancy, any dwelling or apartment for the purpose of living therein, which does not comply with the requirements of 35.02 through 35.09.

35.02. Foundations, Exterior Walls and Surfaces, Roofs. Every foundation, chimney, exterior wall and surface, and roof shall be weathertight, watertight, rodent-proof and insect proof, and shall be kept in a workmanlike state of maintenance and repair.

(1) The foundation elements shall support the building at all points.

(2) Every exterior wall shall be free of holes, breaks, loose or rotten boards or timbers, and any other condition which might admit rodents, rain or dampness to the interior portions of the walls or to the interior space of the dwelling.

(3) The roof shall be tight and have no defects which admit rain or other forms of moisture. Roof drainage shall be such that it prevents rain water from causing dampness in the walls.

(4) All exterior surfaces shall be of a material manufactured and processed specifically for use in a weather-exposed location, including roofing, exterior painted wood, masonry, exposed redwood and other naturally suitable materials. Exterior walls shall be maintained and kept free from dilapidation, including those conditions caused by extensive cracks, tears or breaks and by extensively deteriorated plaster, stucco, brick, wood or other materials or combinations of materials.

(5) The exposed surface of exterior walls on a building above ground level shall be maintained in good repair so as to provide both sufficient covering and sufficient protection of the surface underneath against its deterioration. Without limiting the generality of this section, an exposed surface of a building shall be deemed not to be in a workmanlike state of maintenance and not to be in good repair if either or both of the following conditions exist:

(a) The painted surface area is blistered, cracked, flaked, scaled or chalked away, and such condition(s) extends over more than twenty-five percent (25%) of the surface area of any plane or wall or other area, including window trim, cornice members, porch railings and other such areas;

(b) More than ten percent (10%) of the pointing of any masonry chimney or more than twenty-five percent (25%) of the pointing of any masonry wall is loose, has fallen out, or otherwise does not exist.

(6) Any exterior surface or plane required to be repaired under the provisions of this section shall be repaired in its entirety to make it weathertight, watertight, and rodent-proof.

35.03. Interior Walls, Floors and Ceilings. Every interior partition wall, floor and

ceiling shall be capable of affording privacy, and shall be kept in a workmanlike state of repair and maintained so as to permit them to be kept in a clean and sanitary condition.

(1) The interior walls and ceiling must be free of loose plaster and other structural material, the collapse of which may constitute an accident hazard.

(2) Plaster, paint and other surface materials must be of such character as to be easily cleanable, smooth, clean and tight.

(3) The floors must be free of holes and wide cracks which may admit rodents or which constitute a possible accident hazard.

(4) The floor must be free of loose, warped, protruding and rotting floor boards.

(5) Every habitable room, closet, bath or toilet room, and connecting corridor, shall have walls and ceilings of tight and sound construction covering all studs, and floor and ceiling joists. All protruding piping and duct work in such rooms, closets and corridors, which would be hazardous to persons using such areas shall be enclosed with suitable and durable building material.

35.04. Windows, Exterior Doors, Basement Hatchways. Every window, exterior door and basement hatchway shall be weather-tight and rodent-proof and shall be kept in working condition and in a workmanlike state of maintenance and repair.

(1) Every window shall be fully supplied with window panes which are without open cracks or holes.

(2) Every window sash shall be in good condition and fit tight within its frame.

(3) Every window other than a fixed window shall be capable of being easily opened and shall be held in an open position by window hardware.

(4) Every exterior door, door hinge and door latch shall be in good condition.

(5) Every exterior door when closed shall fit in a workmanlike condition within its frame.

(6) Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as completely to exclude rain and substantially to exclude wind from entering the structure.

(7) Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling.

(8) Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.

(9) Every entrance door to an apartment or rooming unit within a dwelling shall be equipped with a suitable lock in good working condition to provide security for

the occupants.

35.05. Stairways, Exterior Porches and Decks, Landings, and Floor Levels. Every inside and outside stairway, every exterior porch and deck, landing and floor level and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in a sound condition and in a reasonably good state of maintenance and repair.

(1) Every flight of stairs and exterior porch and deck, landing and floor level shall be free of holes, grooves and cracks which are large enough to constitute a possible accident hazard. The construction, design and headroom of stairways, exterior porches and decks, landings and floor levels shall conform to the building code.

(2) Every stairwell and every flight of stairs which are four or more risers high shall have hand rails not less than thirty inches nor more than thirty-four inches above the nosing of treads and every exterior porch and deck, landing, and floor level which is more than thirty inches above grade shall have hand rails not less than thirty-six inches above the platform. The construction and design of handrail intermediates shall conform to the building code.

(3) Every rail and balustrade shall be fastened and maintained in a workmanlike condition. No flight of stairs shall have settled more than one inch out of its intended position or have pulled away from supporting or adjacent structures.

(4) No flight of stairs shall have rotten or deteriorated supports. The treads of every flight of stairs shall be uniform in height. Every stair tread shall be sound and securely fastened in position.

(5) Every stair tread shall be strong enough to bear the load required by the building code.

(6) Every exterior porch and deck, landing, and floor level shall have sound floor and supports.

(7) All outside stairways, fire escapes and exitways shall be maintained unobstructed, and free of ice and snow. All outside stairways that serve as an entrance to an upper story apartment or rooming unit shall have a light located at the head of the stairway capable of lighting the entire stairway. This light may be controlled by 3-way switches, one at the bottom of the stairway, and one at the top, or it may be a sensor light, activated by motion or dusk.

35.06. Bathroom and Toilet Room Floor. Every toilet room floor surface and bathroom floor surface shall be maintained so as to be impervious to water and so as to permit such floor to be kept in a clean and sanitary condition.

(1) Every water closet compartment floor and bathroom floor shall be made of terrazzo tile, smooth concrete, dense hardwood with tightly fitting joints, rubber asphalt tile, linoleum or other similar material providing a surface which is impervious to water and easily cleanable; or

(2) Such floor shall be made of denser soft woods with tightly fitting joints and be covered with varnish, lacquer or other similar coating providing a surface which is impervious to water and is easily cleanable.

35.07. Supplied Plumbing Fixtures. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained free from defects, leaks or obstructions.

35.08. Functioning of Supplied Facilities. Every supplied facility, piece of equipment, or utility which is required under this code shall be so constructed and installed that it will function safely and effectively, and shall be kept in a workmanlike state of maintenance and repair.

35.09. Discontinuance of Required Services, Facilities, Equipment or Utilities. No owner or operator shall cause any service, facility, equipment or utility which is required to be supplied under the provisions of this code to be removed, shut off, or discontinued in any dwelling or apartment let or occupied by such person, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are in process of being made.

35.10. Responsibility for Maintenance of Dwellings and Apartments. The responsibilities of owners and occupants for maintenance of dwellings and apartments are in accordance with 35.11 through 35.16.

35.11. Public Areas. Every owner of a dwelling containing two or more apartments shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwellings and premises thereof.

35.12. Responsibility of the Occupant. Every occupant of a dwelling or apartment shall keep in a clean and sanitary condition that part of the dwelling, apartment and premises thereof which he or she occupies and controls.

35.13. Responsibility for Rubbish and Garbage. Every occupant of a dwelling or apartment shall dispose of all refuse in a clean and sanitary manner by placing it in garbage disposal facilities or refuse storage containers as prescribed in 34.07. The owner shall supply such facilities or containers for all apartments in a dwelling containing more than four apartments and for all apartments located on premises where more than four apartments share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish such facilities or containers unless the owner furnishes such facilities or containers or has agreed to furnish them.

35.14. Hanging of Screens. Every occupant of a dwelling or apartment shall be responsible for hanging screens and double or storm doors and windows whenever the same are required under the provisions of this code, except where the owner has agreed to supply such service.

35.15. Extermination. Every occupant of a single family dwelling shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of an apartment in a dwelling containing more than one apartment shall be responsible for such extermination whenever his or her apartment is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused

by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the apartments in any dwelling, or in the shared or public parts of any dwelling containing two or more apartments, extermination thereof shall be the responsibility of the owner.

35.16. Plumbing. Unless the owner has otherwise agreed, every occupant of an apartment shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

35.17. Responsibility for Maintenance of Non-Dwelling Structures and Premises. No owner shall permit any non-dwelling structure, fence or condition to exist on any dwelling or non-dwelling premises in the city in violation of the requirements of sections 35.18 through 35.22.

35.18. Non-Dwelling Structures. Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entranceway of every non-dwelling structure shall be so maintained as to prevent the structure from becoming a harborage for rodents, vermin and insects and shall be kept in a reasonably good state of maintenance. In addition, every non-dwelling structure located on any dwelling premises shall be maintained in accordance with the provisions of Section 35.02.

35.19. Fences. Every fence in such condition as to constitute a public health or safety hazard shall be repaired or removed.

35.20. Grading and Draining of Premises. All premises shall be graded and maintained so no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises.

35.21. Open Areas. Subdivision 1. Open Area defined. Open area means that part of a residential lot or property that is not covered by an enclosed building or structure, regardless of whether the view from outside the property is shielded by a fence, vegetation or other structure. The term open area includes, but is not limited to, the yard, open porches, and areas under structures that are not entirely enclosed, such as a carport.

Subd 2. All open areas and parts of premises shall be maintained and kept in a reasonably clean and neat condition. This requirement shall include the removal of dead trees and brush; the removal of inoperable machines, appliances, fixtures and equipment; the removal of lumber piles and building materials not being used in actual construction on the premises unless such premises are being used by a business dealing in or requiring the use of such lumber and materials, and the storage of these materials for business use is allowed or permitted by ordinance; the removal of tin cans, broken glass, broken furniture, mattresses, box springs, boxes, crates, cardboard, tires, and other garbage and debris; and the removal of furniture and other items of the type not designed or intended to be stored outside or in such a manner that they are exposed to weather and climatic conditions.

35.22 Non-conforming Motor Vehicles. Subd. 1. "Motor vehicle" means every vehicle which is self-propelled.

Subd. 2. No person shall place, park, permit to remain, store or leave upon an open

space area of any premises governed by the housing code, any motor vehicle unless it conforms with all of the following requirements:

- (1) The vehicle must have affixed to it a valid current motor vehicle license;
- (2) The vehicle must not lack essential parts that would render it inoperable; and,
- (3) The vehicle must not be in a rusted, wrecked, partially dismantled or junked condition.

Subd. 3. If a motor vehicle fails to meet any of the above requirements, the owner or possessor of the motor vehicle, shall be responsible to remove the motor vehicle to a duly licensed junk yard or other authorized place of deposit or storage within 10 working days of a demand by the City. In the event the owner or possessor of the motor vehicle cannot be located, then it shall be the responsibility of the owner of the premises to remove the motor vehicle to a duly licensed junk yard or other authorized place of deposit or storage within 10 working days of a demand by the City.

35.23. Violations a Public Health or Safety Hazard. A person who creates, maintains or allows to continue a condition on property which poses a risk to the health or safety of the public, including but not limited to in violations of Section 35.21 or 35.22 of this Code, shall be deemed to have created in the City a public health or safety hazard, which is subject to abatement by the City as provided in Section 35.24.

35.24. Abatement Procedure. Subdivision 1. If the owner or occupant thereof fails within five days after posting by first class mail of a notice to abate a public health or safety hazard contained on any property, the City by and through its authorized personnel may enter upon such property and abate the public health hazard by any reasonable means, including the contracting with a private person to do so.

Subd. 2. Any expenses incurred by the City in the abatement of a public health or safety hazard under this section shall be the responsibility of the property owner, and if subsequently unpaid, may be assessed against the property as provided in Minnesota Statute 429.101.

(1406, 7/17/67; 1476, 12/16/68; 1508, 8/4/69; 1739, 12/13/73; 2384, 6/19/84; 2626, 4/4/89; 2997, 8/8/95; 3063, 11/11/96; 3363, 11/7/00)